

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAIME JAMES ROA

v.

CITY OF DENISON, ET AL.

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Civil Action No. 4:18-CV-168

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 18, 2019, the report of the Magistrate Judge (Dkt. #108) was entered containing proposed findings of fact and recommendations that Defendants City of Denison, Texas, (“the City”), Janet Gott, Jared Johnson, Judson Rex, Jay Burch, Matt Hanely, Bill Malvern, Ken Brawley, Michael Baecht, Tom Speakman, Robert Hanna, Dale Jackson, Gabe Reaume, and Eric Batey’s Rule 12(b)(1) and Rule 12(b)(6) Motion to Dismiss Plaintiff’s Second Amended Petition (Dkt. #67) be granted, and the entirety of Plaintiff’s claims against each of Defendants be dismissed; and further, that Defendant Maureen Kane’s Motion to Dismiss (Dkt. #37), Defendant John Munson’s Motion to Dismiss (Dkt. #42), Defendant Matrix Demolition, LLC’s Motion to Dismiss (Dkt. #43), and Defendant Judge Jim Fallon’s Motion to Dismiss (Dkt. #100) each be denied, and that Plaintiff’s “Motion to Request from this Court an Order for City to Remove Lien from Property” (Dkt. #36) should also be denied.

The Court notes that on the date of deadline for filing objections, Plaintiff filed a further request for extension of time to assert objections. Plaintiff has previously been granted two extensions and thirty days to object to the Report. Plaintiff was expressly cautioned that no further extensions of this deadline would be granted. Plaintiff did not file any timely objections. Having

received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Accordingly,

It is therefore **ORDERED** that Defendants City of Denison, Texas, ("the City"), Janet Gott, Jared Johnson, Judson Rex, Jay Burch, Matt Hanely, Bill Malvern, Ken Brawley, Michael Baecht, Tom Speakman, Robert Hanna, Dale Jackson, Gabe Reaume, and Eric Batey's Rule 12(b)(1) and Rule 12(b)(6) Motion to Dismiss Plaintiff's Second Amended Petition (Dkt. #67) is **GRANTED**. Defendant Maureen Kane's Motion to Dismiss (Dkt. #37), Defendant John Munson's Motion to Dismiss (Dkt. #42), Defendant Matrix Demolition LLC's Motion to Dismiss (Dkt. #43), Defendant Judge Jim Fallon's Motion to Dismiss (Dkt. #100) and Plaintiff's "Motion to Request from this Court an Order for City to Remove Lien from Property" (Dkt. #36) are each **DENIED**. Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 28th day of March, 2019.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE